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Senator Dianne Feinstein

of California

Statement of Senator Dianne Feinstein on Protecting America's Seaports from Terrorism January 27, 2004

Washington, DC – U.S. Senators Dianne Feinstein (D-Calif.) and Jon Kyl (R-AZ) today convened a hearing of the Senate Judiciary Subcommittee on Terrorism, Technology, and Homeland Security to examine ways to prevent terrorist attacks on or through our nation's seaports.

Each year, approximately 13 million shipping containers come into U.S. ports, including six million from overseas. In total, U.S. ports handle over 800 million tons of cargo valued at approximately \$600 billion. Excluding trade with Mexico and Canada, America's ports handle 95 percent of U.S. trade. To date, two of the busiest ports are in California: Los Angeles/Long Beach and Oakland.

Despite the high volume of cargo, only five percent of the containers that come into our country are inspected. This translates into millions of tons of cargo moving through our ports, with absolutely no scrutiny. An attack at or through a port could cause massive loss of life and bring our nation's economy to a standstill.

The following is the text of Senator Feinstein's statement:

“Today the Subcommittee on Terrorism, Technology and Homeland Security takes up a matter of critical importance – seaport security. I want to begin by thanking Chairman Kyl for his work on this important matter, and for the focus which he has kept on this issue. His concern about seaport security is an excellent illustration of the scope of the problem – Senator Kyl represents a state with no ports and no waterfront; I represent a state whose long coastline and active ports characterize its economic personality.

In my view, the ports are the soft-underbelly of our nation's security. I believe that it is really central that our ports, working with the department, develop the security capabilities that not only protect the employees of the port, but also the citizens of our nation from a potentially devastating terrorist attack on our port. This includes the very real possibility that a weapon of mass destruction be brought in a container and either detonated in a port near a busy metropolitan area or shipped in by rail or truck into the Heartland of our nation.

Both Senator Kyl and I realize that the safety of our ports does not only affect the States in which ports are located, but could have a potential impact on the entire Nation. A container off-loaded in Los Angeles for instance, will in many cases make its way, by truck or train, to Arizona and beyond – perhaps with deadly contents.

To understand this complex problem, I had hoped to hear from someone with ‘front-line’ responsibility. Thus, I was disappointed that we were not able to hear today from the Captain of the Port of Los Angeles/Long Beach – the busiest container port in the United States. I had hoped that the Captain could give us an ‘on-the-ground’ and ‘on-the-water’ view of the problems which face us.

I hope today’s witnesses will speak about a critical aspect of the whole problem of port security – how we fund it.

There are a number of options – direct Federal funding, cost-sharing with States and localities, user-fees and private funding. These and other methods can be combined and modified. One area that I have been particularly concerned with is the potential use of ‘Letters of Intent’ to facilitate long-term funding for large-cost improvements to ports. This method is used in the context of airport security, and I understand has been successful. Admiral Loy, Administrator of the Transportation Security Administration, tells me that it cannot be used in the context of port security. I hope to find out today why not and how we can fix this problem.

I look forward to hearing from our witnesses, and learning their views on these important subjects.”

The Feinstein/Kyl "Comprehensive Seaport and Container Security Act" would:

1. Require that high-risk shipping containers be inspected in foreign ports - *before* they arrive in the United States;
2. Establish a comprehensive container risk profiling plan to allow U.S. authorities to focus their limited inspection and enforcement capabilities on high-risk cargo; and
3. Increase penalties to prosecute and punish terrorists.

In addition, the measure would:

- Require the Attorney General to issue regulations making it easier to determine the extent of crime and terrorism at seaports and improve communication between law enforcement agencies involved at ports.
- Designate the Captain-of-the-Port as the primary authority for seaport security at each port and require the Captain-of-the-Port to keep sensitive information on the port secure and protected.
- Impose steep monetary sanctions for failure to comply with information filing requirements, including filing incorrect information.
- Require minimum federal security standards for ports. These standards include restrictions on private vehicle access, a prohibition on unauthorized guns and explosives, and unauthorized physical access to terminal areas.
- Mandate that all Customs inspectors have personal radiation detection pagers.

- Require all port employees and contractors to have biometric smart identification cards.
- Require the use of high security seals on all containers coming into the country and require that each container to be transported through U.S. ports receive a universal transaction number that could be used to track container movement from origin to destination.
- Require all empty containers destined for U.S. ports to be secured.
- Authorize pilot programs to develop high-tech seals and sensors, including those that would provide real-time evidence of container tampering to a monitor at a terminal.
- Require ports to provide space to Customs so that the agency is able to use non-intrusive inspection technology. In many cases, Customs has to keep this technology outside the port and bring it in every day, which prevents some of the best inspection technology (which is not portable) from being used.
- Require the Department of Homeland Security to take the number of imported containers received at each port into account in determining the allocation of funds appropriated for seaport security grants.
- Update our federal criminal piracy and privateering laws and increase penalties for terrorist act, including making it a crime to:
 - Attack a port or cruise ship or deploy a weapon of mass destruction at or through a seaport.
 - Put devices in U.S. waters that can destroy a ship or cargo or interfere with safe navigation or maritime commerce.
 - Use a dangerous weapon or explosive to try to kill someone on board a passenger vessel.
 - Refuse to slow or stop a vessel at the direction of a Coast Guard or other authorized federal law enforcement official seeking to board that vessel or to interfere with boarding by such an officer.
 - Destroy an aid to maritime navigation (such as a buoy or shoal/breakwater light) maintained by the Coast Guard if this would endanger the safe navigation of a vessel.
 - Attempt to attack U.S. citizens or U.S. marine life by putting poisons in the water off shore.

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